IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1685 OF 2005

Namdeo Raghunath SHinde & Ors. ...Petitioners

Versus

Shri. Mahesh Shekhar Das & Anr. ...Respondents

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Mr. R.V. More, Advocate for Petitioners

Mr. D.P. Adsule, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 6TH JULY, 2005

P. C.:-

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners have prayed for quashing of process issued against them in R.C.C. No. 11 of 2005 which is pending in the Court of learned J.M.F.C. Kavathemahankal. In the said case, process has been issued against the petitioners under Sections 143, 395, 120(b), 426, 447 and 506 of I.P.C.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process.

Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. The learned advocate for the petitioners states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today. In the present petition it is also prayed that the non bailable warrant which has been issued against the petitioners by the trial Court may be quashed. In my view, it would be appropriate for the petitioners to approach the trial Court and pray for setting aside of the warrants issued against them. In order to enable the petitioners to take necessary steps, the said warrant is stayed for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties. All contentions are left open.

7. Writ petition is disposed of.

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